

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF  
KIMBERLI S. JOHNSON  
TO PRACTICE AS A  
REGISTERED NURSE  
IN THE STATE OF UTAH

AMENDED ORDER

Case No DOPL-2006-52

BY THE DIVISION:

The Division's Stipulation and Order, dated March 3, 2006, is hereby amended as follows

IT IS HEREBY ORDERED the probationary condition restricting Respondent's access to controlled substances is terminated.

All other conditions and restrictions identified in the March 3, 2006 Stipulation and Order shall remain the same and in effect, unless previously amended.

Dated this 4 day of September, 2007

*F David Stanley*  
F David Stanley  
Director



BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

OF THE DEPARTMENT OF COMMERCE

OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF  
**KIMBERLI S. JOHNSON**  
TO PRACTICE AS A REGISTERED NURSE  
IN THE STATE OF UTAH

:  
:  
· **AMENDED ORDER**  
·  
Case No. DOPL-2006-52

BY THE DIVISION·

The Division's Stipulation and Order, dated March 3, 2006, in the above-referenced case is hereby amended as follows:

IT IS HEREBY ORDERED the probationary condition requiring Respondent to practice only under the on-site supervision of a registered nurse in good standing with the Division or a licensed physician in good standing with the Division be amended to allow Respondent to work at Kolff Dialysis Center/University of Utah only without the on-site supervision of a registered nurse or physician licensed in good standing and subject to the following conditions:

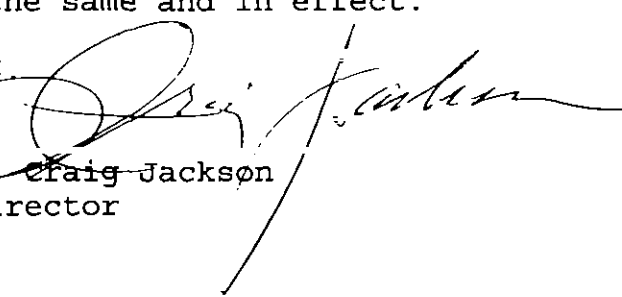
1. Any dialysis technician or unlicensed individual working at Kolff Dialysis Center must be informed in writing that they must report any questionable behavior of Respondent to the nursing director immediately.

2. The nursing director agrees to return to the facility immediately if contacted by a dialysis technician or Respondent if unusual behavior by Respondent is reported.

3. Respondent's employer report that is to be submitted to the Division must be signed by the nursing director of the facility.

All other conditions and restrictions identified in the March 31, 2006 Stipulation and Order shall remain the same and in effect.

Dated this 29 day of June, 2006.

  
J. Craig Jackson  
Director



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L MITCHELL JONES (U S B 5979)  
Assistant Attorney General  
MARK L SHURTLEFF (U S B 4666)  
Attorney General  
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF	)	
<b>KIMBERLI S. JOHNSON</b>	)	<b>STIPULATION AND ORDER</b>
TO PRACTICE AS A	)	
REGISTERED NURSE	)	CASE NO DOPL 2006-- 52
IN THE STATE OF UTAH	)	

**KIMBERLI S. JOHNSON** ("Respondent"), and the **DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of  
the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the  
subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and  
voluntarily
- 3 The Respondent understands that Respondent has the right to be represented by  
counsel in this matter and Respondent's signature below signifies that Respondent has either  
consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the Utah State Board of Nursing ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

7 Respondent admits the following facts:

- a Respondent entered into a Memorandum of Understanding and Order with the Division in DOPL Case #2006-5 on or about December 23, 2005. Respondent admitted to previous disciplinary action by the Division due to Respondent's abusing controlled substances. An Order was issued on or about January 6, 2006, which prohibited Respondent from the personal use or possession of alcohol in any form.
- b Respondent admits that Respondent violated the terms and conditions of the Memorandum of Understanding and Order in DOPL Case #2006-5 by recently taking cold medicine(s) with alcohol, and providing a sample for drug urinalysis that subsequently tested positive on or about January 30, 2006.

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), and said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2). Therefore,

Respondent agrees that an Order, which is considered formal disciplinary action, shall be entered in this matter as follows

- (1) Respondent shall be publicly reprimanded by the Division for violating the terms and conditions of her Memorandum of Understanding and Order in DOPL Case #2006-5
- (2) All the terms and conditions contained in the Memorandum of Understanding and Order in DOPL Case #2006-5 shall remain in effect

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice as a Registered Nurse

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation

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immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

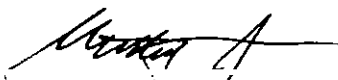
14 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
**LAURA POE**  
Bureau Manager

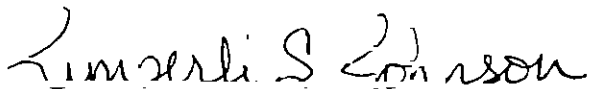
DATE 3-2-06

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 2 Mar 2006

RESPONDENT

BY   
**KIMBERLI S. JOHNSON**  
Respondent

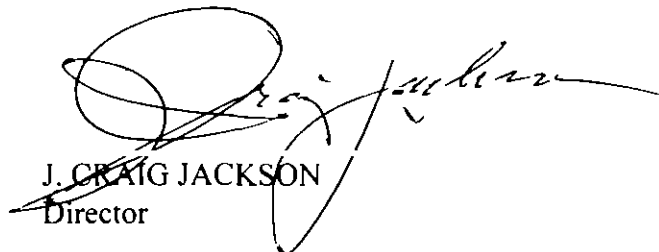
DATE 3-2-10

**ORDER**

THE ABOVE STIPULATION, in the matter of **KIMBERLI S. JOHNSON** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. Kimberli S. Johnson is hereby publicly reprimanded for violating the terms and conditions of her Memorandum of Understanding and Order in DOPL Case #2006-5. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 3<sup>rd</sup> day of March, 2006

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
J. CRAIG JACKSON  
Director

Investigator: Laura Poe